

EI-1502

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March 19, 2003

**VIA HAND DELIVERY**

Ms. Victoria J. Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W.  
Suite 500  
Washington, D.C. 20423

Re: Finance Docket No. 34314, Bexar County Rural Rail  
Transportation District -- Construction -- In Bexar County, Texas

Dear Ms. Rutson:

Under 49 C.F.R. Part 1105.10 (a)(1), a written "pre-filing notice" is required to be submitted to the Board at least six months before an application is filed for approval of a construction action for which an environmental impact statement is required. The referenced docket involves the proposed construction and operation of a new rail line, an action for which an EIS ordinarily would be required. By request filed this same date, the Bexar County Rural Rail Transportation District ("BCRD") has requested that the proposed action be reclassified as one requiring only the preparation of an environmental assessment.

On February 5, 2003, BCRD formally requested approval of Ms. Jo Carole Dawkins and Dawkins Environmental Consulting as independent third party consultant for the preparation of all necessary environmental documentation in this matter. That written request also affirmed BCRD's intent to file a petition for exemption under 49 U.S.C. §10502 to permit construction and operation of the proposed rail line. That

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written confirmation presumably satisfied the pre-filing notice requirement, such that the six-month waiting period--if it applies--would expire on or about August 5, 2003.

By this letter, and in accordance with 49 C.F.R. Part 1105.6 (d), **BCRD requests a waiver of the six-month pre-filing notice requirement insofar as it otherwise might apply**, in order to permit the filing of BCRD's petition for exemption prior to August 5, 2003. A preliminary environmental impact survey already has been conducted by BCRD, as reported and summarized in our contemporaneous letter requesting reclassification of this matter as one requiring an EA. The detailed environmental and historic review process that will lead to preparation of the appropriate environmental documentation under 49 C.F.R. Part 1105, et seq. is set to begin forthwith. Under the circumstances, BCRD submits that no reasonable purpose would be served by requiring that the filing of its petition for exemption be delayed unnecessarily for another four and one-half months.

Wherefore, for good cause shown, BCRD requests a waiver of the six-month pre-filing notice requirement prescribed by 49 C.F.R. Part 1105.10 (a)(1).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kelvin J. Dowd', with a stylized flourish at the end.

Kelvin J. Dowd  
Attorney for the  
Bexar County Rural Rail  
Transportation District

KJD:dmb

cc: Mr. Troy Brady (SEA)  
Ms. Jo Carole Dawkins  
Mr. Craig Stong  
Mr. Seth Mitchell  
Ed Schweninger, Esq.  
Mr. Gabriel Perez